

UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND

CHAMBERS OF  
J. FREDERICK MOTZ  
UNITED STATES DISTRICT JUDGE

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August 21, 2006

Memo to Counsel Re: MDL-15863, Variable Annuity Actions  
*Beals v. The Variable Annuity Life Ins. Co.*,  
Civil No. JFM-05-1086

Dear Counsel:

I have reviewed the memoranda submitted in connection with defendant's motion to dismiss. Both parties concede that plaintiff's complaint is materially indistinguishable from the three complaints I found to be preempted by SLUSA in *In re Mutual Funds Inv. Litig.*, 2006 WL 1888929 (D. Md. June 1, 2006). Accordingly, defendant's motion is granted.

Despite the informal nature of this letter, it should be flagged as an opinion and docketed as an order. An order implementing this ruling is attached.

Very truly yours,

/s/  
J. Frederick Motz  
United States District Judge